

REMARKS

Claims 1-6 are pending in this application after this Amendment. Claims 1-6 are independent. In light of the amendments and remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

The Official Action

In the outstanding Official Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by *Allport* (USP 6,097,441). Applicants respectfully traverse this rejection.

Prior Art Rejections

In support of the outstanding rejections, the Examiner relies on the *Allport* reference to teach or suggest all of the claimed elements. The disclosure in *Allport* is directed to a system for dual display interaction with integrated television and internet content. The system includes a hand-held portable remote control with an integrated video display capable of displaying full motion video in combination with hardware and software that enables interaction between the TV or other primary display screen and the hand-held display. The hardware may include an integrated TV tuner and/or various display communication ports or a physically separate base station with a TV tuner and/or various data communication ports. (Col. 3, lines 52-59).

The remote control includes the ability to display text-based status information on the TV display during attribute adjustment (volume, contrast, color, tint, brightness, sound, etc.) or for closed captioned messages such as sports scores, stock quotes, etc. The remote control display may be used to display that information and therefore leave the primary viewing screen free of unnecessary clutter. (Col. 3, line 65 - col. 4, line 5).

Allport in the disclosure at col. 1, lines 6-14 incorporates by reference the entire disclosure of co-pending application Serial No. 09/001,873 (USP 6,104,334, hereinafter "the '334 patent"). The Examiner relies on the '334 patent to teach an operating state and a starting state of the information processing device being displayed on the small display device. The disclosure set forth in the '334 patent is directed to a portable internet-enabled controller and information browser for consumer devices. A "welcome" screen appears on the display of the remote control when the remote control is first turned on and after the proper log-in process. There is further an option for the user to access his scheduling feature of the remote which allows the consumer to monitor and control the current status of the devices, the future tasks scheduled to be performed by the devices, and the prior history of the tasks performed by the devices in the control of the remote. (Col. 10, lines 18-26 of the '334 patent). The remote

control further includes an area on the display which is used to display a description of the current program being watched on the primary display such as the TV. The information may include the source of the picture entertainment, the station or channel, the name of the program, and the start and end time of the picture entertainment. (Col. 12, lines 45-55). The remote control further includes an on/off toggle switch 90 connected to a power source by a battery terminal or a AC circuit. (Col. 11, lines 6-8).

It is respectfully submitted that the disclosure set forth in the Allport '441 patent describes a different invention than that set forth in the Allport '334 patent. Thus, effectively, the Examiner is relying upon two references in order to maintain his assertion of anticipation under 35 U.S.C. § 102. It is respectfully submitted that this practice is improper. If the Examiner is relying upon two separate references to teach or suggest a claimed invention, it is respectfully submitted that the proper section to reject these claims is 35 U.S.C. § 103 where the Examiner must satisfy the requirements of obviousness as set forth in *Graham v. John Deere*. As such, it is respectfully requested that the outstanding rejection be withdrawn.

By this Amendment, Applicants have amended claims 1-5 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding

the propriety of the Examiner's rejection, but merely to timely advance prosecution. For example, Applicants have amended claim 1 to recite, *inter alia*, wherein the information processing device determines whether an information processing function or a television function is to be performed and providing a source of data to be displayed on the small display device based on the determination. It is respectfully submitted that neither of the references, either alone or in combination, assuming these references are combinable, which Applicants do not admit, teach or suggest this claimed element. As such, it is respectfully submitted that claim 1 is not anticipated by, nor obvious over, Allport. As claims 2-5 have been similarly amended, it is respectfully submitted that none of these claims are anticipated by, or obvious over, Allport.

Further, by this amendment, Applicants have added new claim 6 for consideration by the Examiner. It is respectfully submitted that new claim 6 is not anticipated by the Allport reference. For example, claim 6 recites, *inter alia*, an information processing device having television display function comprising an information processing module and a television module, wherein, when a power supply is turned ON, whether an information processing function or a television function is to be performed is determined and TV picture is displayed on the display device and an operating state

and a starting state of the information processing device is displayed based on the determination. It is respectfully submitted that nowhere in the reference does *Allport* teach or suggest determining whether an information processing function or a television function is to be performed when a power supply is turned on. Further, *Allport* fails to teach or suggest displaying on the display device an operating state and a starting state of the information processing device based upon the determination. As such, it is respectfully submitted that new claim 6 is not anticipated by *Allport*.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/753,668


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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